

REMARKS/ARGUMENTS

Claims 8-16 are pending. The Applicant thanks the Examiner for the indication that claims 8 and 9 would be allowable if rewritten to correct objectionable language and claim 15 would be allowable if rewritten in independent form. Claims 8 and 9 have been amended to correct the objected to language and not to avoid any reference. Claims 10-14 and 16 were rejected. The Applicant addresses this rejection herein. Reconsideration of this Application and entry of this Amendment is respectfully requested.

Claim Objections

Claims 8 and 9 were objected to for not providing proper antecedent basis for the term “the treatment device.” Claims 8 and 9 have been amended to recite “a treatment device.” Withdrawal of the objection to claims 8 and 9 is respectfully requested.

35 U.S.C. §102 Rejections

Claims 1-14 and 16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Pub. No. 2003/0212453 to Mathis et al., (the Mathis publication).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Thus, to warrant the §102(e) rejection, the reference cited by the Examiner must show each and every limitation of the claims in complete detail.

The Applicant respectfully asserts that the Mathis publication fails to include each and every element of the Applicant’s invention as claimed, as required to maintain a rejection under 35 U.S.C. §102(e). *See* MPEP 2131. The Applicant submits that the Mathis publication fails to disclose, teach, or suggest a method for treating cardiac valve regurgitation that includes the limitations of providing a treatment device comprising a compression member disposed exteriorly on a tube and a sleeve rotatably disposed about the tube and the compression member; positioning the treatment device in a blood vessel adjacent a cardiac valve; and effectuating relative rotation between the sleeve and the compression member to align the compression

member with a side port in the sleeve, thus deploying the compression member through the side port and into contact with the blood vessel as recited in independent claim 10.

Specifically, the Mathis publication does not teach or suggest “providing a treatment device comprising a compression member disposed exteriorly on a tube and a sleeve rotatably disposed about the tube and the compression member. The Mathis publication teaches an anchor (34) for anchoring a mitral valve annulus treatment device. The Examiner refers to FIG. 9 of the Mathis publication for teaching the compression device claimed by the Applicant. Mathis teaches a distal anchor (34) having fixation members (38) including a crimp (70) and a plurality of enlarged portions (46). Nowhere does the Mathis publication teach a sleeve or a sleeve rotatably disposed about an anchor. At most, the Mathis publication teaches a crimp (70) for crimping ends of the anchor (see, paragraph [0055] of Mathis). Thus, the Mathis publication does not teach a treatment device comprising a compression member disposed exteriorly on a tube and a sleeve rotatably disposed about the tube and the compression member. For at least this reason, the Mathis publication does not anticipate claim 10 or those claims depending therefrom.

Claims 11-14 and 16 depend from independent claim 10 and add further limitations to that claim. For at least this reason claims 11-14 and 16 are not anticipated by the Mathis publication. For these reasons, the withdrawal of the rejection of claims 17-25 and 28-38 under 35 U.S.C. § 102(b) is respectfully requested.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5484.

Respectfully submitted,

/William L. Haynes, Reg. No. 48151/
William L. Haynes
Registration No. 48,151
Attorney for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420